

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

IN RE: **LORING JUSTICE**
BPR No. 019446

No.: 1:11-MC-3-TAV

ORDER

In June 2012, former Chief United States District Judge Curtis L. Collier ordered that Loring E. Justice be suspended from the bar of the Eastern District of Tennessee for a period of six months, with the exception that Mr. Justice could litigate the attorney fee petition in *Scotty Lee Thomas v. Lowe's Home Centers, Inc.*, Case No. 3:07-CV-372 ("*Thomas*"), if United States District Judge Thomas Phillips¹ allowed him to do so [Doc. 25]. Judge Collier also ordered that Mr. Justice forfeit to the United States twenty-five percent of any attorney fee award he might receive from the pending fee petition in *Thomas*, up to a maximum forfeiture of \$25,000; pay to the United States all costs incurred by the Court in the investigation of the matter and conducting of the hearing; pay to Celeste Creswell² any costs incurred by her subsequent to June 1, 2012; and pay to Ms. Creswell any costs incurred by her in litigating any unsuccessful appeal taken by Mr. Justice. Judge Collier, however, suspended all aspects of the discipline imposed against Mr. Justice pending appeal [Doc. 37].

¹ Judge Thomas Phillips has since taken inactive status and *Thomas* has been reassigned to United States District Judge Harry S. Mattice, Jr. [Doc. 114 in Case No. 3:07-CV-372].

² Ms. Creswell was appointed by the Court to investigation allegations of Mr. Justice's misconduct and prosecute any disciplinary proceedings, respond to any filings by Mr. Justice, and to represent the Court in any appeal that should arise from the investigation.

Mr. Justice appealed to the Court of Appeals for the Sixth Circuit [Doc. 41], and the Court of Appeals affirmed [Doc. 64]. Mr. Justice then filed a petition for a writ of certiorari with the United States Supreme Court [Doc. 66]. The Supreme Court denied the petition on February 24, 2014 [Doc. 69], and the Court of Appeals issued the mandate on the same day [Doc. 68].

Because the mandate transfers jurisdiction of the case back to this Court, *United States v. Eisner*, 323 F.2d 38, 42 (6th Cir. 1963), the Court hereby **ORDERS** that:

1. Loring E. Justice is hereby **SUSPENDED** from the bar of the Eastern District of Tennessee for a period of six (6) months, commencing on February 24, 2014, with the exception that Mr. Justice may litigate the fee petition at issue in *Scotty Lee Thomas v. Lowe's Home Centers, Inc.*, Case No. 3:07-CV-372, should the presiding judge permit him to do so;
2. Mr. Justice shall **FORFEIT** to the United States twenty-five percent (25%) of any attorney fee award he might receive from the pending fee petition in *Scotty Lee Thomas v. Lowe's Home Centers, Inc.*, Case No. 3:07-CV-372, up to a maximum forfeiture of \$25,000;
3. Mr. Justice shall **PAY** to the United States all costs the Court incurred in the investigation of this matter and conducting of the hearing; and

4. Mr. Justice shall **PAY** to Celeste Creswell any costs she incurred subsequent to June 1, 2012, as a result of her appointment in this matter.

The reinstatement of Mr. Justice to the bar of the Eastern District of Tennessee is **CONTINGENT** upon his paying for all costs incurred by the Court and Ms. Creswell in this matter, as well as the twenty-five percent forfeiture.

In addition, Ms. Creswell is hereby **DIRECTED** to serve upon Mr. Justice and file with the Court, under seal, an invoice for her costs incurred with regard to this matter subsequent to June 1, 2012.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE